



General Assembly

**Substitute Bill No. 177**

February Session, 2012

\* \_\_\_\_\_SB00177AGEPH\_031512\_\_\_\_\_\*

**AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND  
EXISTING NURSING HOME OWNERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-528a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2012*):

3 For any application of licensure for the acquisition of a nursing  
4 home filed after July 1, 2004, any potential nursing home licensee or  
5 owner shall submit, in writing, a change in ownership application with  
6 respect to the facility for which the change in ownership is sought. The  
7 Department of Public Health shall prepare the change in ownership  
8 application which shall include the following statement printed in no  
9 less than eighteen-point boldface type of uniform font on the first page  
10 of the application: "NOTICE: Any nursing home licensee or owner,  
11 including, but not limited to, an officer, director, trustee, limited  
12 partner, managing partner, general partner or any person having at  
13 least a ten per cent ownership interest in the owner, as well as any  
14 administrator, assistant administrator, medical director, director of  
15 nursing or assistant director of nursing, may be subject to criminal  
16 liability, in addition to civil and administrative sanctions under federal  
17 and state law, for the abuse or neglect of a resident of the nursing  
18 home perpetrated by an employee of the nursing home." Such  
19 application shall include such information as the Commissioner of

20 Public Health deems necessary and whether such potential nursing  
21 home licensee or owner (1) has had three or more civil penalties  
22 imposed through final order of the commissioner in accordance with  
23 the provisions of sections 19a-524 to 19a-528, inclusive, or civil  
24 penalties imposed pursuant to the statutes or regulations of another  
25 state, during the two-year period preceding the application, (2) has  
26 had in any state sanctions, other than civil penalties of less than twenty  
27 thousand dollars, imposed through final adjudication under the  
28 Medicare or Medicaid program pursuant to Title XVIII or XIX of the  
29 federal Social Security Act, 42 USC 301, as from time to time amended,  
30 or (3) has had in any state such potential licensee's or owner's  
31 Medicare or Medicaid provider agreement terminated or not renewed.  
32 In the event that a potential nursing home licensee or owner's  
33 application contains information concerning civil penalties, sanctions,  
34 terminations or nonrenewals, as described in this section, the  
35 commissioner shall not approve the application to acquire another  
36 nursing home in this state for a period of five years from the date of  
37 final order on such civil penalties, final adjudication of such sanctions,  
38 or termination or nonrenewal, except for good cause shown.

39 Sec. 2. (NEW) (*Effective October 1, 2012*) The Department of Public  
40 Health shall prepare a notice that includes the following statement  
41 printed in no less than eighteen-point boldface type of uniform font:  
42 "NOTICE: Any nursing home licensee or owner, including, but not  
43 limited to, an officer, director, trustee, limited partner, managing  
44 partner, general partner or any person having at least a ten per cent  
45 ownership interest in the owner, as well as any administrator, assistant  
46 administrator, medical director, director of nursing or assistant  
47 director of nursing, may be subject to criminal liability, in addition to  
48 civil and administrative sanctions under federal and state law, for the  
49 abuse or neglect of a resident of the nursing home perpetrated by an  
50 employee of the nursing home.". Such notice shall be provided not  
51 later than January 1, 2013, to all persons who have been issued a  
52 license to establish, conduct, operate or maintain a nursing home in the  
53 state by the Department of Public Health as of September 30, 2012.

54       Sec. 3. (NEW) (*Effective October 1, 2012*) The statement that the  
55       Department of Public Health is required to include in change of  
56       ownership applications pursuant to section 19a-528a of the general  
57       statutes, as amended by this act, and prepare as a notice to be provided  
58       to certain licensees pursuant to section 2 of this act shall not be  
59       construed as expanding or otherwise affecting the liability of nursing  
60       home licensees and owners that may exist at law for the abuse or  
61       neglect of a resident of the nursing home.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	19a-528a
Sec. 2	<i>October 1, 2012</i>	New section
Sec. 3	<i>October 1, 2012</i>	New section

**AGE**       *Joint Favorable Subst. C/R*

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